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Attorneys for Petitioner

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

UNITED STATES DEPARTMENT OF
 JUSTICE, EXECUTIVE OFFICE FOR
 IMMIGRATION REVIEW,

Petitioner,

v.

NI CHI NGUYEN and CHUNG VAN DO,

Respondents.

No. 08-5265-SBA

**PETITIONER'S REQUEST TO VACATE
 THE CASE MANAGEMENT
 CONFERENCE; AND ORDER**

The petitioner hereby asks this Court to vacate the case management conference in the above-entitled matter, currently scheduled for February 25, 2009, in light of the following:

As set forth in the petitioner's status report of February 4, 2009, the U.S. Attorney's Office has not been able to locate either of the respondents in order to properly serve them with the Court's Orders to Show Cause, along with the petition, supporting memorandum, and supporting declaration. The Immigration Judge has moved the removal hearing in Immigration Court to May 1, 2009, and intends to have a status conference with the parties to that proceeding to discuss, among other things, whether any of the parties have suggestions for locating the respondents.

On February 4, 2009, in light of the fact that the status conference could potentially develop information which might assist the U.S. Attorney's Office in locating the respondents, the petitioner sought permission to submit a further status report in six weeks, which will give the

1 Immigration Judge time to schedule a status conference and for the government to report the results
2 of that status conference to this Court. On February 9, 2009, this Court signed the petitioner's
3 proposed order, directing the government to file a status report within six weeks of the Court's
4 order.

5 In light of the fact that the respondents to this action have not yet been properly served and that
6 the Court has directed the petitioner to file a status report within six weeks of February 9, 2009, the
7 petitioner respectfully asks this Court to vacate the case management conference scheduled for
8 February 25, 2009, as unnecessary.

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10 Dated: February 19, 2009

Respectfully submitted,


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12 JOSEPH P. RUSSONEILLO
United States Attorney

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14 /s/
EDWARD A. OLSEN
15 Assistant United States Attorney

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17 **ORDER**

18 The case management conference concurrently for February 25, 2009 is CONTINUED to May
19 13, 2009, at 3:00 p.m. via telephone. The parties shall **meet and confer** prior to the conference and
20 shall prepare a joint Case Management Conference Statement which shall be filed no later than ten
21 (10) days prior to the Case Management Conference that complies with the Standing Order For All
22 Judges Of The Northern District Of California and the Standing Order of this Court. Petitioners
23 shall be responsible for filing the statement as well as for arranging the conference call. All parties
24 shall be on the line and shall call (510) 637-3559 at the above indicated date and time.

25 Dated: February 23, 2009

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SAUNDRA B. ARMSTRONG
United States District Judge